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In re Application of:

DAVID A. NORMAN ET AL.  
Serial No.: 10/629,475  
Filed: 29 July 2003  
Docket Number 14489-002003

DECISION ON PETITION  
TO WITHDRAW HOLDING  
OF ABANDONMENT

This is a decision on the petition filed on October 22, 2004, to withdraw the holding of abandonment of the above-identified application under 37 C.F.R. § 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

An Office action (a non-final rejection) was mailed April 23, 2004, setting a three-month shortened statutory period for reply. A Notice of Abandonment was mailed to petitioner on September 21, 2004.

Petitioner asserts that a reply was timely filed. In support of the assertion that a reply was timely filed, petitioner refers to the certificate of mailing on the reply, dated October 22, 2005, which was received by the Office.

The file record includes the response of October 22, 2005.

With the reply having been filed within the six month statutory period, and sufficient fees having been paid to extend the time to the full six month period, the application was not in fact abandoned. The Notice of Abandonment mailed by the Office on September 21, 2004, was in error. The holding of abandonment of the application is therefore withdrawn. Inconvenience to the applicant is regretted.

The application is being referred to the examiner for further action. An Office action will be mailed in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.



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